



FROM COUNSEL

A Preventive Law Service of the Fort Riley Legal Assistance Office
Keeping You Informed On Personal Legal Affairs

Separation under the Qualitative Management Program (QMP)

Consider these questions and answers to help you determine your rights under the Department of the Army's Qualitative Management Program.

Q: WHAT IS THE QUALITATIVE MANAGEMENT PROGRAM (QMP)?

A. Army Regulation (AR) 635-200, Chapter 19, sets forth the policies and procedures for the Army's Qualitative Management Program (QMP). The objectives of the QMP are to enhance the quality of career enlisted Soldiers, retain the best qualified Soldiers, deny continued service to less productive Soldiers, and encourage Soldiers to maintain their eligibility for continued service. Under this program, an Army board periodically reviews the official files of noncommissioned officers in the rank of Staff Sergeant and above to determine if the Soldier's performance, conduct, and/or potential for advancement meets the Army standards. Soldiers identified as not meeting these standards may be denied continued service and involuntarily discharged.

Q: WHAT OPTIONS DOES THE SOLDIER HAVE PRIOR TO THE QMP BOARD CONVENING?

A. There are three options that a selected Soldier has prior to the convening of the QMP board.

1. Appeal the selection to the QMP board based upon a material error in the qualifying document. Material error usually exists where something has been misfiled in a soldier's OMPF. For example, an Article 15 belonging to John Smith is mistakenly filed in James Smith's file. The appeal simply points out the material error, and asks that the mistake be corrected.
2. The Soldier may submit matters of extenuation or mitigation to the Board President by the referenced date in the notification memorandum. (See below: "WILL THE QMP BOARD CONSIDER ANYTHING THAT IS NOT ALREADY IN MY RECORDS?")
3. The Soldier will allow their Army Military Human Resource Record (AMHRR) to be reviewed without submitting matters of extenuation or mitigation.

Q: WHAT CRITERIA DOES THE QMP CONSIDER?

A: The QMP board reviews the performance portion (P-fiche) of the Soldier's OMPF, personnel qualification record, official photograph, and other authorized documents to determine whether the Soldier warrants retention. The board considers the following factors: moral and ethical conduct which is incompatible with the values of the NCO corps and Army ethic, lack of potential to perform NCO duties in current grade, decline in efficiency and performance as reflected by the Soldier's NCOERs or failure of NCOES courses, recent or continuing disciplinary problems, or other discriminators, such as, a bar to reenlistment, inability to meet physical standards, or inability to comply with the Army body composition program.

Q: WILL THE QMP BOARD CONSIDER ANYTHING THAT IS NOT ALREADY IN MY RECORDS?

A: Yes, the board will consider matters you submit in a timely manner. However, a personal appearance before a QMP selection board is not authorized. Soldiers may submit matters of mitigation or extenuation that address the NCO's potential for continued service that will be considered by the President of the Board. These matters must be submitted within 30 days of the receipt of the notification memorandum. The matters may include letters of support from your current chain of command, previous senior leaders and Soldiers, and/or anyone that will promote your potential for continued service in the U.S. Army. All matters must be received by the date established in the notification memorandum. Failure to provide matters by the suspense date will not be grounds for an appeal.

Q: WHAT PROCEDURES DOES THE QMP BOARD FOLLOW?

A: Soldiers selected for denial of continued service by the QMP board are notified via memorandum from the USAEREC Commander through the first LTC or higher in the Soldier's chain of command. The Soldier is provided with administrative instructions and a copy of his/her performance portion (P-fiche) as well as a list of the documents which the board relied upon in making their decision to deny the Soldier continued service under the QMP. The Soldier and Commander must complete the "Statement of Options, Qualitative Management Program" form (DA Form 4941) within 7 days of receiving the QMP memorandum notification.

Q: WHAT IS THE APPEALS PROCESS FOR QMP?

A: A Soldier denied continued service by the QMP process may appeal the decision, however, the appeal is limited to newly discovered evidence, the subsequent removal of documents from the Soldier's AMHRR, or material error in the Soldier's record that was reviewed by the QMP screening board. Soldiers must send a notice of intent to appeal to USA HRC within 7 days of receipt of the QMP results notification memorandum and must submit the appeal itself to his or her immediate commander within 30 days of receipt of that notification memorandum informing the Soldier that they have been denied continued service. The Soldier is only permitted to submit one appeal and no request for reconsideration of a denied appeal is authorized. Each Commander in the Soldier's chain of Command, through the General Court Martial Convening Authority (GCMCA) or general officer commander, will add substantive comments regarding the Soldier's performance and potential and recommend approval or disapproval of the Soldier's appeal.

Q: WHAT SHOULD I DO IF I RECEIVE NOTICE OF A QMP DENIAL OF CONTINUED SERVICE?

A: Contact the Fort Riley Legal Assistance Division to arrange for a consultation with a legal assistance attorney. A legal assistance attorney can help evaluate your QMP options and assist with preparation of an appeal statement.

Q: WHAT HAPPENS IF I DO NOT APPEAL THE QMP BOARD DECISION OR MY APPEAL IS DENIED?

A: There are three possible options: voluntary discharge, involuntary discharge, and retirement.

1. Voluntary Discharge – Soldiers that choose not to appeal may request voluntary discharge. This discharge will occur 90 days after the Soldier receives pre-separation counseling. The pre-separation counseling must be scheduled as soon as the Soldier

chooses the voluntary discharge option on their DA Form 4941. Requests for voluntary discharge, once submitted, may not be withdrawn.

2. Involuntary Discharge –

- a. Soldiers selected for denial of continued service who do not elect to submit a request for voluntary retirement or voluntary discharge and who are not pending a decision on a QMP appeal will be involuntarily discharged. Involuntary separations will be effective the first day of the seventh calendar month following the date the QMP board results were approved.
- b. Soldiers that file an appeal but are unsuccessful, will also be involuntarily discharged. These discharges will occur no earlier than 90 days after the Soldier receives pre-separation counseling. The pre-separation counseling may be scheduled prior to a final determination of discharge is made or as soon as possible after a final determination is made.

3. Active Duty Retirement –

- a. Soldiers with 20 or more years of active Federal service at the time of notification of QMP selection, who choose not to appeal or where appeal is denied, may apply for voluntary retirement.
- b. Soldiers with a minimum of 17 years, 9 months of active Federal service at the time of notification of QMP selection, who choose not to appeal, will be retained to 20-year retirement eligibility upon request. A Soldier that has a denied appeal and has the requisite 17 years, 9 months of active Federal service at the time of notification of QMP selection will also be retained to retirement eligibility upon request.
- c. Soldiers whose appeals are denied and have 18 or more years of active Federal service on the designated date of separation will be retained to 20-year retirement eligibility upon request.

CPT Joe Ahlemeyer
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